

Remarks

The pending claims were all rejected in the last Office Action. However, there were positive indications with respect to at least the subject matter regarding specific proteins highlighted at page 10, paragraph 24 of an earlier Office Action. Hence, to simplify issues, and without prejudice to the filing of one or more divisionals or continuations, claims 1-37 and 39-61 are now canceled, with the sole remaining claim, claim 38, now being limited to the specific proteins already favorably commented on in the earlier Office Action.

As acknowledged in the earlier Office Action, detailed process conditions are provided in the specification that meet the requirements of written description and enablement for these proteins. For example:

- (a) with respect to Markush element (a), see paragraphs [0010] and [0051] of the substitute specification;
- (b) with respect to Markush element (b), see paragraphs [0026], [0044], and [0060] of the substitute specification;
- (c) with respect to Markush element (c), see paragraphs [0071], [0088], and [0099] of the substitute specification;
- (d) with respect to Markush element (d), see paragraphs [0016] and [0109] of the substitute specification; and
- (e) with respect to Markush element (e), see paragraphs [0023], [0108] and [0117] of the substitute specification.

Further, the claimed temperature range was previously reviewed as claim 44 subject matter, and the claimed pH range was previously reviewed as claim 46 subject matter.

Hence, this subject matter is now believed to be free of any written description and enablement concerns. Further, the additional detail regarding the process now incorporated into claim 38 should remove any question regarding whether the process has been specified with a reasonable degree of precision. Further, the antecedent basis concern has also been specifically addressed.

Moreover, anticipation issues with respect to Jarrett & Lansbury and Kedar et al. are also overcome as these references don't disclose the proteins now specifically claimed.

Fee Authorizations

An extension petition is also enclosed to extend the time to reply from October 21, 2005 through December 21, 2005, together with a fee authorization.

Conclusion

In view of the above amendment and remarks, reconsideration and allowance are respectfully requested with respect to amended claim 38. Apart from the two month extension fee authorized by the enclosed petition, no additional fees are believed to be needed for the consideration of this submission. However, if any other fees are required for full consideration of this amendment, please charge them to Deposit Account 17-0055.

Respectfully submitted,

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